

ORDINANCE NO. 0-19-34

ORDINANCE PROHIBITING SWEEPSTAKES MACHINES IN THE VILLAGE OF ADDISON

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Addison, DuPage County, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Mayor and Board of Trustees believe, and hereby declare, that it is in the best interests of the Village and its residents to prohibit sweepstakes machines in the Village;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF ADDISON, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The recitals set forth hereinabove are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: A new Section 13-52.1 is hereby added to Chapter 13 of the Addison Village Code, which section shall be and read as follows:

Sec. 13-52.1 Sweepstakes Machines Prohibited.

- (A) It shall be unlawful to own, lease or operate any Sweepstakes Machine, as herein defined, in any business or public place within the Village.
- (B) For purposes of this Section, Sweepstakes Machines shall be defined as any stand-alone, table top, or similar mechanically, electrically or electronically operated device in which, upon payment, a participant is automatically entered into a sweepstakes or similar promotion wherein the participant has the option to reveal the results of entry into said sweepstakes or promotion via a display mimicking slot machines, poker, keno, bingo, or any other similar gambling game and thereafter exchange any credits, whether in the form of a printed ticket or otherwise, for cash or merchandise as a prize. Any such device shall be considered a Sweepstakes Machine regardless of whether a coupon for a product or service is provided in exchange for the payment.
- (C) Nothing contained in this Section shall be construed as prohibiting video gaming terminals as otherwise authorized by the Village Code.

SECTION THREE: Section 13-58 of Chapter 13 of the Addison Village Code is hereby amended to read as follows:

Sec. 13-58 Penalty.

Any person who violates any provision of Sections 13-52 through 13-57 inclusive of this Chapter shall be subject to a fine of not less than one hundred and fifty dollars (\$150.00) nor more than seven hundred and fifty dollars (\$750.00)

SECTION FOUR: This Ordinance supersedes any policy, resolution, ordinance or part thereof adopted prior hereto which are in conflict herewith, and any such policy, resolution, ordinance or part thereof shall be and is hereby repealed to the extent of such conflict.

SECTION FIVE: This Ordinance shall take effect after its passage, approval and publication in the manner provided by law.

PASSED THIS 17th day of June, 2019.

AYES: Trustee Hundley, Kluczny, Lynch, O'Brien, Marti & Theodore

NAYS: None

ABSENT: None

APPROVED THIS 17th day of June, 2019.



Mayor

ATTEST:

Liville A. Zucchero

Village Clerk

Published 6/18/19

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Village of Addison

September 18, 2019

Dear Owner/Manager:

This letter is to inform you that at the Village Board meeting held on June 17, 2019, Ordinance 0-19-34, entitled "Ordinance Prohibiting Sweepstakes Machines in the Village of Addison" was formally approved. The Mayor and Board of Trustees thus declare that "it shall be unlawful to own, lease, or operate any Sweepstakes Machine...in any business or public place within the Village".

Enclosed with this letter, you will find a copy of Ordinance 0-19-34, which provides a definition of "sweepstakes machine". Please note that sweepstakes machines are not the same as video gaming terminals, which are authorized by Village Code.

With the passing of this Ordinance, we are giving businesses until **October 18, 2019** to have any sweepstakes machines removed from their establishment. After this date, per Ordinance 0-19-34, a fine will be imposed to any business found in violation.

We thank you in advance for your cooperation in following the regulations set forth in the enclosed ordinance.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Berley", written over a horizontal line.

John Berley
Assistant Village Manager

A handwritten signature in dark ink, appearing to read "T. Tucker", written below the signature of John Berley.